

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Change of use of agricultural land to domestic garden (496sqm), demolish existing shed, erect single storey detached outbuilding/garage to west boundary, remove section of wall to widen vehicle access.

LOCATION: Les Effards, Route De La Mare, Castel.

APPLICANT: Mr M Hudson

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 09/07/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Soup Architects - 502_090, 100(1)

Application Ref: FULL/2025/0812

Property Ref: D010180000+D01018B000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.Please note this is one condition with multiple sub-sections:

(i) No development shall commence on site (including demolition and site works) and the land the subject of this application will not be recognised as forming part of the domestic curtilage associated with the property until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites -Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5.(a) Notwithstanding the details shown on the approved plans full details of the proposed planting as shown on the approved drawing (ref: 502_100 (1) to include planting schedules noting the species, sizes, numbers and densities of plants at the time of planting and full details of a bird box and where this will be positioned on the garage shall be submitted to and approved in writing by the Authority.

(b) The landscaping scheme approved under (a) above shall be fully completed in accordance with those details in the first planting season following the discharge of condition 4 of this permission, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 08/07/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With reference to condition 6 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>. For the avoidance of any doubt the curtilage extension hereby approved relates solely to the land outlined hatched in red on the approved drawing (Ref: 502_100(1)) the remainder of the land to the west is recognised as agricultural land.

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house, unless in accordance with a use permitted under the Land Planning and Development (Exemptions) Ordinance, 2023 or any other Ordinance replacing or re-enacting that Ordinance.

With reference to condition 5 to prevent harm to biodiversity enhancements already planted, the wildflower seeds must only be over sown or plug planted and the land shall not be dug beforehand.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2025/0812
Property Ref: D010180000+D01018B000
Valid date: 28/05/2025
Location: Les Effards Route De La Mare Castel Guernsey GY5 7BJ
Proposal: Change of use of agricultural land to domestic garden (496sqm), demolish existing shed, erect single storey detached outbuilding/garage to west boundary, remove section of wall to widen vehicle access.

Applicant: Mr M Hudson

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Please note this is one condition with multiple sub-sections:

(i) No development shall commence on site (including demolition and site works) and the land the subject of this application will not be recognised as forming part of the domestic curtilage associated with the property until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites -Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. (a) Notwithstanding the details shown on the approved plans full details of the proposed planting as shown on the approved drawing (ref: 502_100 (1) to include planting schedules noting the species, sizes, numbers and densities of plants at the time of planting and full details of a bird box and where this will be positioned on the garage shall be submitted to and approved in writing by the Authority.

(b) The landscaping scheme approved under (a) above shall be fully completed in accordance with those details in the first planting season following the discharge of condition 4 of this permission, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

INFORMATIVES

With reference to condition 6 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>. For the avoidance of any doubt the curtilage extension hereby approved relates solely to the land outlined hatched in red on the approved drawing (Ref: 502_100(1)) the remainder of the land to the west is recognised as agricultural land.

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house, unless in accordance with a use permitted under the Land Planning and Development (Exemptions) Ordinance, 2023 or any other Ordinance replacing or re-enacting that Ordinance.

With reference to condition 5 to prevent harm to biodiversity enhancements already planted, the wildflower seeds must only be over sown or plug planted and the land shall not be dug beforehand.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Les Effards' is a one and a half storey detached early 20th century dwelling which is set back from and faces west onto Route de la Mare, it includes the agricultural land to the north that was once filled with glass. To the north of the agricultural land is a track leading to a vinery site located to the east, there are neighbouring residential properties to the south across the road to the west and across the track to the north. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.
Agricultural use class 28: agriculture.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

☒
☒
☒
☒

visual amenity acceptable
no material neighbour impact
traffic not affected

☒
☒
☒

Policies considered most relevant:

GP8: Design
GP9: Sustainable Development
GP13: Householder Development
GP15: Creation and Extension of Curtilage

Consultations:

The Office of Environmental Health and Pollution Regulation.

'I have reviewed the proposed plans for the change of use from agricultural land to domestic garden which include the construction of an outbuilding/garage to the west boundary. There is an issue of concern regarding potential land contamination that I must raise.

I have interrogated Guernsey Historic Maps, Historic Orthophotos, and Cadastre Registry of Land which show that there were once heated greenhouses at the site. I therefore have concerns that there could be contamination of metals, hydrocarbons and pesticides at the site. Other sources of contamination could also be present. I would therefore recommend that the following condition is attached to any consent granted for this application:

- ***Please note this is one condition with multiple sub-sections:***

(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and

proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection

(i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

*a) as built drawings of the implemented scheme;
b) photographs of the remediation works in progress;
c) certificates demonstrating that imported and/or material left in situ is free from contamination.*

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.'

Conclusion/Brief comment:

This application is for a change of use of part of the agricultural land to domestic curtilage (496sqm) to regularise the use of the west end of the land (outlined in red hatch as shown on the application drawing) as a parking area with turning. The proposal also includes the demolition of the existing outbuildings on this part of the site, to erect a single storey garage in the northwest corner of the site, and to widen the existing vehicular access to 4.5m. It is worth noting at this stage that the remainder of the land not part of the change of use application to the west will remain in agricultural use.

The vehicular opening from the road is mostly within the domestic curtilage, but cars are then steered northward onto the gravelled area at the west end of the agricultural land. At present on this gravelled area there are three small outbuildings, which hinder the ability to turn around.

The biodiversity enhancement proposals are to plant a new native hedge running along the line of the rear of the property northward, and along the northern and eastern boundaries. Sow a wild flower meadow in two locations, the small walled area within the new domestic curtilage and in the northeast corner of the agricultural land. In lieu of the tree close to the new garage being felled the applicants have agreed to install a bat box on the new garage. The biodiversity enhancements do not have to be carried out until after any contamination works are carried out, if needed and it is recommended that a condition to this effect is included on any permission.

The single storey pitched roof double garage and the alterations to the gravel area for cars to turn are considered acceptable. Finally widen the existing vehicular opening from 3m to 4.5m is also considered acceptable due to the narrow width of the road. The nib of wall to be removed is not considered to be of any architectural importance and can therefore be removed without affecting the character of the area.

The proposals are not considered to have any detrimental impacts on the character and appearance of the surrounding area, nor will they have any adverse effects on neighbour amenity.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 08/07/2025

